



City of Carmel

CARMEL PLAN COMMISSION SUBDIVISION COMMITTEE THURSDAY, MARCH 30, 2006

The Subdivision Committee met at 6:00 PM on Thursday, March 30, 2006. Members in attendance: Jerry Chomanczuk, ex-officio; Wayne Haney; Kevin Heber; Rick Ripma; and Carol Schleif, thereby establishing a quorum.

Mike Hollibaugh, Director of the Department of Community Services attended the meeting as well as Angie Conn, Matt Griffin, Christine Holmes, and Adrienne Keeling. John Molitor, legal counsel was also in attendance.

The Subdivision Committee considered the following items:

- 1. Docket No. 06010001 Z: Monon Townes PUD – CONT. TO MAY 4**
The applicant seeks to rezone 6.81 acres from R1/Residential to PUD/Planned Unit Development for the purpose of creating 65 townhomes.
The site is located at 1001 Rohrer Road.
Filed by Ann M. Walker for Pulte Homes of Indiana, LLC.
- 2. Docket No. 06030017 ADLS Amend: Village of Mt. Carmel – Signage**
The applicant seeks approval for new subdivision monument signs.
The site is located at 14580/14595 Adios Pass and is zoned S-2.
Filed by Adam DeHart. for Staley Signs, Inc.

Adam DeHart, Keeler-Webb & Associates, 486 Gradle Drive, Carmel appeared before the Committee representing Staley Signs, Inc. Informational packets were mailed to the Committee members. In the course of work that was done on Oakridge Road, The Village of Mt. Carmel lost their previous signs. The Subdivision never did have signage at the Adios Pass location. With the road improvements that have been done on 146th Street, the homeowners would like to get signage along Adios Pass. Current plans are for two signs, one on either side of Adios Pass, brick pillar signs with engraved wood attached to the brick pillar; the pillar will have a stone cap. Easements are being obtained from the property owners so that the signs will be placed outside the right-of-way and outside the easements so as not to interfere with anything.

The Homeowners Association will maintain the signs throughout the life of the signs.

Department Report, Angie Conn. The signage does comply with the Zoning Ordinance; however, a

sign permit will be required. The Department is recommending that this request be approved.

There were two residents of the Village of Mount Carmel in attendance who offered no objection to the signs.

Kevin Heber made formal motion to approve **Docket No. 06030017 ADLS Amend: Village of Mt. Carmel Signage**, seconded by Wayne Haney, **APPROVED 5-0**.

3. Docket No. 06030010 ADLS Amend: Velocity Sports Performance- Signage

The applicant seeks approval for a new wall sign.

The site is located at 1402 Chase Ct. and is zoned M-3.

Filed by Tony George for Sign Craft Industries.

Carrie Duffy, Sign Craft Industries, 8920 Corporation Drive, Indianapolis appeared before the Committee representing the applicant. Also in attendance: Molly Powell, owner of Velocity Sports Performance.

Velocity Sports Performance is a new tenant at 1402 Chase Court facility; they are requesting that their signage be located in place of the current tenant signage. The existing wiring will be used and in effect, they are changing out the old signage to the new.

The sign will be illuminated with neon, the letters are aluminized, mounted on a raceway, and all electrical compliance and components will be mounted within the raceway. The sign will meet UL standards for fabrication and installation.

Department Comments, Angie Conn. The sign is permitted by variance onto Carmel Drive rather than Chase Court. A sign permit will also be required for the sign; the Department is recommending approval at this time.

In response to questions from Wayne Haney, Carrie Duffy noted that the color on the sign is in the acrylic face—the neon will be white. The faces on the letters are red in color.

Wayne Haney moved for approval of **Docket No. 06030010 ADLS Amend: Velocity Sports Performance-Signage**, seconded by Kevin Heber, **APPROVED 5-0**.

4. Docket No. 06010005 Z: Shelborne Property PUD

The applicant seeks to rezone 20 acres from S1/Residential to PUD/Planned Unit Development for the purpose of developing single-family residences.

The site is located on the west side of Shelborne Road, north of 121st Street.

Filed by Charles Frankenberger of Nelson and Frankenberger for Indiana Land Development Co.

Charlie Frankenberger appeared before the Committee on behalf of the Indiana Land Development Co. Also in attendance: Paul Shoopman, President of Indiana Land Development.

Charlie Frankenberger gave a brief overview of the proposal. The petitioner last appeared before the Committee on March 7th for review. The subject site consists of 20 acres located just north of 121st Street on S:/PlanCommission/Minutes/Committees/SubdivisionCommittee/2006/2006mar30

the west side of Shelborne Road; to the immediate west is Creekside Elementary School. The real estate is currently zoned S-1/Residential; the petitioner is seeking a rezone to a Planned Unit Development PUD. The homes will be custom built and will far exceed the S-1 requirements in terms of both architecture and size. The anticipated price range is from \$490,000 to \$690,000.

Since the March Committee meeting, several changes have been incorporated into the PUD and the revisions are recapped in the informational brochures. The petitioner is not requesting a vote this evening but rather is seeking additional input at the next Committee meeting on the revisions submitted this evening. The revisions include the following:

The PUD was revised to require a pedestrian path along Shelborne Road and a trail connecting the cul-de-sac to the pedestrian path along Shelborne Road. Provisions mandating custom homes were added. Provisions regarding the exterior building materials on chimneys were added; design standards for porches were added; provisions requiring that all front-loaded garages be recessed were added; regarding windows, provisions were added requiring at least one window on each occupiable floor of each elevation. Finally, there are additional provisions included regarding landscaping.

At the last committee meeting, there was discussion about the proposal having more density than permitted under the S-1 classification. The petitioner acknowledges this and believes it is helpful to recognize that counsel's intention in reducing the base density in the S-1 District to a uniform 1.0 per acre was not to target density but to gain control over the types of residences and subdivisions that are being built—the homes that are being proposed far exceed the S-1 requirements.

The petitioner was asked what density would be permitted if this were developed under the Residential Open Space Ordinance, had it not been repealed. ROSO actually remains intact, but the density bonus previously permitted under ROSO has been stricken from the Ordinance; there is now no density bonus under the ROSO Ordinance. The petitioner was asked to calculate the density had the old ROSO not been repealed—it is all based on a mathematical formula in the Ordinance. If the open space were increased from 18% to 40% a density of 1.8 or 36 lots could be achieved. The effect, however, would be to increase open space and reduce both the lot sizes and the homes on the lots. The increase in open space and reduction in home sizes may have been one of the unintended consequences of ROSO.

At the last committee meeting, there was some discussion about the reasons for the rezone. In this regard, it is helpful to observe that western Clay Township has not developed at 1.0 per acre—density in western Clay Township range from 1.0 per acre to 2.0 per acre. Under ROSO, mid-level production housing flourished and the understanding is there is a desire to encourage a “notch up” in terms of housing.

A revised and detailed landscape plan has been submitted to Scott Brewer, Urban Forester, and is currently being reviewed by him. Regarding the Engineer's TAC comments in the January 6th letter, fully detailed plans and drawings have been submitted to the City's Engineering Dept. and are now in the process of being reviewed.

Provisions mandating custom housing were included in the PUD Ordinance, summarized as follows: The PUD Ordinance specifies that custom homes are required—this means that all residences will be constructed within the neighborhood shall be “stick-built” on site, excluding any panelized or pre-fabricated roof trusses. The initial homebuyer constructing the residence will have input on design of the residence and the option of moving load-bearing walls when appropriate. All residences constructed in the neighborhood will be built by a company whose primary business is the construction of custom homes. A statement of clarification is included that if a large company builds both custom homes and production homes, S:/PlanCommission/Minutes/Committees/SubdivisionCommittee/2006/2006mar30

then its custom home division would be considered a qualified custom builder, such as Estridge. A lot of changes have been made since the last meeting. The petitioner is not seeking a vote this evening but rather would like to continue dialogue, receive input from the Committee and return to the Committee meeting on May 4th.

Remonstrance: Organized/Unfavorable:

Jeff Kimble, 3940 West 121st Street spoke on behalf of eleven property owners in the immediate vicinity of the proposed development. The property owners are not opposed to development; however, they are opposed to this development as proposed because it is not consistent with either the Comprehensive Plan or the recently approved projects in the immediate vicinity. Mr. Kimble referred to Section 31.06 of the zoning ordinance that governs Planned Unit Developments, paragraph 5. "In considering a PUD, both the Plan Commission and the City Council shall pay reasonable regard to the Comprehensive Plan and Reasonable growth and development." The current zoning map illustrates the Comprehensive Plan. The Shelborne PUD and all the property in the immediate area zoned S-1 were highlighted—the lowest density Permitted by the zoning ordinance. Approving the proposed PUD would not be a natural extension of the Village of West Clay and also, it does not fit within the Comprehensive Plan as it currently stands. Mr. Kimble reviewed other subdivisions in the area and the density of each. The area has never before been approved for a density anywhere close to 1.99. The recent Zoning Ordinance Amendment that effectively repealed ROSO was not done to restrict S-1 areas to a standard of one unit per acre or less—it was done to gain more architectural and landscape control over development. Under ROSO, this development would have qualified for a density of only 1.05 units per acre. If the idea was to gain some control, it does not appear to be accomplishing this from a landscape/open space standpoint. Allowing a development of 1.99 units per acre that could only qualify for 1.05 under ROSO is clearly a step in the opposite direction of what the area residents understand to be the intention of City Council when they amended the zoning ordinance a few months ago.

In conclusion, Mr. Kimble read from Exhibit B of the information booklet prepared by the petitioner that Provides the developer's opinion as to why the variance should be granted. "The text of the Comprehensive Plan indicates that the character of the property is single family residences on lots with at least one acre of land. However, the Comprehensive Plan has not been updated in many years and in recent years, there has been significant development in the surrounding area resulting in higher intensity uses. In this regard, the proposed community for detached, single family residences is consistent with development that has occurred within Clay Township." Our group's response to this statement is that it may be consistent with some other developments in western Clay but not in our immediate vicinity, as you can see. Also, the Comprehensive Plan is currently being revised and since that is the case, why not simply wait until the new Comprehensive Plan has been completed and decide then if the proposed development fits within the long term plan for this area. If it does, so be it, we can adjust our future plans for the area accordingly. If not, the Commission will not have approved one relatively small, 20-acre parcel that is not in keeping with the rest of the area. Please consider this viewpoint.

General Public/Unfavorable:

Jeff Kimble, 3940 West 121st Street, asked that the Committee request a change in the developer's plan to provide for a stub street, including appropriately sized utilities, that ends at his property line. Mr. Kimble shares the most border of any other property owner along this development. The road off Shelborne, the main street, could naturally extend through lot 8 and stub into this property. Mr. & Mrs. Kimble had a meeting with Mr. Shoopman in February to ask for the stub street—Mr. Shoopman responded that he did not want to install the stub street because he did not have to, that it would cost him a lot, and that eventually there would be development around the Kimble property that would allow them to tie in. The City's position is that they would prefer to have a stub street because it allows for more contiguous, consistent

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development of the area. Again, this is a PUD and part of what that does is provide the Commission control over the development. If it is in the City's best interest, and the neighbors' best interest to provide a stub street,

Rebuttal:

Charlie Frankenger: The Comprehensive Plan shown by Mr. Kimble is not really the Comprehensive Plan—it is the zone map. However, Mr. Kimble mentioned that we are not consistent with surrounding development—in one respect, we are consistent in that western Clay Township has not developed at 1.0 per acre. In another respect, we are inconsistent in that the price range of these homes exceeds the average price range of what has been built in western Clay Township. Under ROSO, it was mentioned that we could achieve a density of 1.05 units per acre—in the presentation, it was mentioned that if we increase open space to 40%, we could achieve a density of 1.8 per acre. The unfortunate consequence of that is that the lots and the residences shrink. Finally, Charlie was not sure why a stub could not be created to Mr. Kimble's property. Mr. Kimble would like a stub so that his property could more easily develop. There is at least some anticipation that the adjacent property will be developed.

Paul Shoopman, Indiana Land Development, resident of 4550 West 116th Street said he had met with Mr. & Mrs. Kimble on three different occasions and perhaps the information was misinterpreted. What we did say is that in this particular situation, Mr. Kimble has access from three different locations to make connection to his property in the event that we would develop his property. The petitioner is in a unique situation because Kendalwood was just recently approved and requires a connection into Shelborne Estates and that has been incorporated into the plan. The petitioner is also under the guideline and restriction to the centerline connection to the main entry off Shelborne Road because of the existing entrance into the school area. Thirdly, Mr. Shoopman agreed in initial meetings with the Staff to incorporate a connection to the north in anticipation to the possible connection to the property to the north. The petitioner agreed to wait for TAC Committee response to see whether or not they would require a connection. If, in fact, it is the City's position to make a connection, there would be four intersections and four connections on the 20-acre site. The recently approved project for Steve Wilson did not have anything to do with the recent change of S-1 or the old ROSO—his density was actually encompassed and controlled by the fact that the property is on the corner and there is a significant amount of right-of-way through two different points. His lot sizes are the same as those proposed—actually even a little smaller and nothing to do with S-1 or the old ROSO—the density was controlled by the amount of acreage. Abney Glen density was based upon a particular situation—there were almost 15 acres in the flood plain. Under the Ordinance and the requirements of Carmel, the petitioner was not allowed to build in the flood plain nor any part of the legal description of the lot within the flood plain; a little over 1/3 of the property was lost because of that. If that were not the situation when Abney Glen was proposed, we would have come in with the same situation they are in today where they are asking for density to be based upon the initial intent of S-1, not being one lot per acre but being a project that is of good quality and architectural design. Mr. Shoopman wanted to remind the Committee what the intent was with S-1. S-1 does not mean one lot per acre; the intent was to have quality projects and encourage Planned Unit Development. We feel this is a great project, it is a custom project and not inexpensive. Sometimes there is confusion as to what is just to the north of us—if you take all of the projects in existence and you check through the MLS or sales staff within the models, the sales price would average about \$325,000.

Department Report, Angie Conn: The petitioner has touched on the outstanding issues. Dan Dutcher Submitted written comments concerning the balance of recreation paths with tree preservation and wanted to make sure the path network does not impose on any trees. Regarding the window and porch issues, Dan would like to have both addressed, but if a choice must be made, would choose two extra feet of porch deck. The Department is recommending continuance of this item to the May 4th Committee.

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Carol Schleif had issues with the height of the building and would prefer a maximum of 35 feet. There is enough lot size to meet the frontyard and sideyard setbacks and the lot width; petitioner will double check the numbers. Carol Schleif requested no front load garages. Carol also questioned tile and metal roofing materials.

Paul Shoopman stated that there are no signed agreements with a builder—Mr. Shoopman agreed with 2 windows per occupiable floor of each elevation, (not the garage.) Charlie Frankenberger offered to remove the tile and metal materials.

Wayne Haney commented that he liked the playground (tot lot) incorporated into the development.

Jerry Chomanczuk asked about the Comprehensive Plan and how far into the future is completion?

Matt Griffin thought it might be August before the revised Comprehensive Plan would be available. As far as the stub street, the Ordinance requires two stubs or access points into any property over 15 lots, and the petitioner is complying. Technically, this is a PUD and there is no requirement for any stubs.

Rick Ripma asked about the roof pitch—5/12 seems awfully small for a custom-type home. Rick asked that the roof pitch be raised to perhaps 12/12.

Jerry Chomanczuk asked the petitioner to introduce some characteristics of LEEDS—there may be opportunities with this development from solar panels to geo-thermal heating to more bicycle friendly.

Carol Schleif submitted a sketch of a street design to Charlie Frankenberger. The curvilinear streets are interesting and more flexible. Paul Shoopman said he would be glad to look at it for consideration.

Docket No. 0601005Z Shelborne PUD was continued to the **Subdivision Committee on May 4, 2006** at 6:00 PM in the Caucus Rooms of City Hall.

5. Docket No. 06010009 Z: Crook PUD

The applicant seeks to rezone 20 acres from S1/Residential to PUD for the purpose of platting 40 single family homes on 20 acres.

The site is located at 2238 W. 136th Street and is zoned S1/Residential.

Filed by Charlie Frankenberger of Nelson and Frankenberger for Indiana Land Development.

Charlie Frankenberger, attorney with Nelson & Frankenberger appeared before the Committee representing the applicant. Also in attendance was Paul Shoopman, president of Indiana Land Development.

The subject 20-acre site is located on the north side of 136th Street just east of Towne Road—to the immediate north is Westwood Estates Subdivision. The real Estate is zoned S-1. There are no architectural design requirements in the S-1 classification and the petitioner has requested a change from the S-1 designation to a Planned Unit Development. The residences will be very upscale and will far exceed the S-1 requirements in terms of both size and architecture; they will also exceed the mid-level production residences throughout western Clay Township under the Residential Open

Space Ordinance.

The anticipated price range is from \$390, to \$490,000. Since the last Subdivision Committee, the petitioner has incorporated many suggestions into the PUD Ordinance. The revisions are recapped in the informational packets.

At this time, the petitioner is asking for continued dialogue. The revisions include the following. The PUD was revised to require a pedestrian path along 136th Street and a connection between the recreational path in the immediately adjacent Westwood Estates Subdivision and the sidewalks within the neighborhood. Provisions requiring front entry doors to be design grade were added. Provisions regarding exterior building materials and chimneys were added. Design standards for porches were added. Provisions requiring front-loaded garages to be recessed were added. The provision exists that there be at least one window on each occupiable floor and provisions regarding additional landscaping were added.

At the Subdivision Committee, there were other inquiries regarding density, ROSO, and other matters; those matters have been discussed and those will not be repeated at this time.

General Public Comments/Favorable:

None

Rick Ripma cautioned the public that density has already been expressed as an issue as well as traffic—those issues are not to be reiterated.

Organized Remonstrance/Unfavorable:

Tony Papay, 2030 West 136th Street, representing four homeowners on the perimeter (one-half the perimeter of the property) the Bennett family, Gelog family, and the Cash family. The four home are concerned with the density. Two units per acre is surprising—the homeowners are not asking for one unit per acre, but just wanted to make that point.

General Public/Unfavorable:

Tony Papay, 2030 West 136th Street, said he had met with Paul Shoopman previously and discussed the fence line that is now the Crooks along Papay's property and some drainage issues that could be improved.

Dee Fox, 11389 Royal Court, read a letter from **Marilyn Anderson** questioning the justification for the PUD, other than increasing the density to get the maximum number of units. There is also a concern that the level of quality would be traded for higher density.

Dee Fox asked the Plan Commission members to get the list from the Dept. of Community Services that lists all of the subdivisions in western Clay Township and their densities. The highest density is Stanford Park (not S-1 to be begin with) and the Village of WestClay at 2.1 units per acre—everything else is vastly under what this petitioner is requesting. Dee also asked that the Commission members talk to Mark Rattermann and Rick Sharp. Mark Rattermann has been telling everyone that the repeal of ROSO had nothing to do with density, it was to gain control over quality.

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Rick Sharp told Marilyn Anderson that he was the sponsor of the bill and it was all about density. Please get this story straight! If there is a push for an upshot in western Clay Township, it is not coming from the people that live here. Dee was told that the Comprehensive Plan would have no major changes in western Clay and that does not seem to fit with what everyone else is saying. These facts need to be straightened out.

Julie Martin and husband David, currently reside at 7855 Windcombe Boulevard, Indianapolis and are building a home in Westwood Estates at 2109 Renegade. The proposed development will be connected to Westwood through Azteca Lane. Everyone in the proposed development will use Westwood to get to 141st Street. The proposed development is an empty-nester community, full brick ranch, some have one and one-half level homes and very different from the Westwood neighborhood. The first submission from the Indiana Planning Commission (?) were two-story homes, brick only on the front, (three sides wood) and very different from Westwood. We were told from the first meeting that this development would be a custom neighborhood with a custom builder. The price point has dropped since the second meeting with the developer—today we hear it will just be above production level standards. We feel that the level of quality has come down each time we have had a meeting. Our top priority is a product comparable to Westwood Estates, full brick ranches. The empty-nester communities are good for the Carmel area. What was submitted to the Committee today for this meeting contains a revision with a park and playground—that has not been seen before. We would like to get a general idea of where this is and what is proposed with that—we had no idea.

David Martin, (husband of previous speaker) currently building on lot 20 in Westwood Estates, expressed concern with the density more than lot sizes. Aside from the Comprehensive Plan that suggests more space on the west side of Carmel, the Village of WestClay seemed to be an adventure with some risk, but it was taken. The idea of higher density in the Village makes sense and it works because people have that old, “Charlotte-feel” of being able to walk to the drugstore or restaurant or park—there are walkable amenities and the density works there. It was slow to catch on, but the jury is still out as to whether or not it will stand up. If the amenities are not there to walk to, the density does not make sense. The Estridge Group, probably the finest production builder in the metropolitan area, is developing a new subdivision on lots ranging from 1/3 to 1/2 acre, price point between \$400,000 to mid-\$500,000, all brick wrap, three car garages and basements. The lot size will be 50% to 100% the size of the proposed PUD. Why would someone spend \$380, to \$580,000 in the proposed Crook PUD with an 80 foot wide lot when they could have a 1/3 to 1/2 acre lot, full brick wrap home with a three car garage and basement from a high quality production builder in the same price range? Who will support this as proposed? It is not realistic and there is no evidence to prove that you can achieve the price point we are being told they expect to achieve in this neighborhood on this lot size. The Village of WestClay is an exception—it is high density and a planned village, small town community with amenities that you can walk to—this does not—it is a different ballgame and I don’t think it is going to sell. If the developer can find a builder that is willing to take it on, he is gone! Who protects the neighbors? Who is going to look out for us? Is this really in the best interest of the community of Carmel and is this what you think people want?

Tom Peter, 13969 Quarter Horse Court, Westwood Estates, recently moved to Westwood from 6 acres and is opposed to any more traffic and any more people in the neighborhood. “We want to

keep the area peaceful for us to retire in.”

Jack Bartz, 2087 Renegade Court, had some questions. Mr. Bartz and some of the neighbors in Westwood Estates had an agreement with Mr. Shoopman going into this proposal—is that still in place? Also, references were made to a path in Westwood Estates—there is no path.

Charlie Frankenberger noted that the Agreement signed on February 21, 2006 is still in place. Mr. Shoopman said the connection would be with the Azteco sidewalk—not an additional path.

Matt Griffin asked if there is a path that goes around the lake to the north, behind Westwood—Westwood’s retention? Is there another body of water just south of that and is there a path around that as well?

Mr. Shoopman responded in the negative.

Matt Griffin said he would look at it; there is nothing on the approved plat.

Rebuttal: Paul Shoopman

Mr. Shoopman confirmed that he had met with Jack Bartz to discuss the buffer issue between Westwood Estates and the proposed development. An agreement was reached in the form of a \$40,-\$50,000 concession in the way of mounding and landscaping. In relation to marketing, based upon the information received, lot prices in Westwood are in the \$75,000 to \$80,000 and up range. The lot prices in the proposed development are \$110,000 and higher--\$30,000 more than Westwood. This is not a situation where we are trying to downgrade the product of the overall pricing. There is a 20% rule regarding the lot price in relation to the total sales price and that will automatically make the starting price point \$120, to \$130,000 higher than the Westwood. This is not a downgrade of product in terms of pricing in regard to Westwood. Paul Shoopman said he has appreciated Dee Fox’ and Marilyn Anderson’s comments over the past year, however his comments are still the same on S-1 as they have been and has been confirmed by the Plan Commission—the issue is not “S-1” means one unit per acre. We have taken the same approach on this property as we have others—there is no doubt that the price point starts lower than the Shelborne Estates properties, but again in this proposed development, the starting sales price is significantly higher than the surrounding areas. The density issue is varied by all of the different views—there is some disagreement in what the overall average is. We are trying to comply with the initial intent of the value of good product. Our price points are higher than adjoiners, and we are trying to provide good architectural standards and have a good project.

Department Comments, Angie Conn: The petitioner has not touched on the issue regarding the landscape plan or refining the Engineer’s comments. It is assumed they are the same (confirmed by the petitioner). The Committee is urged to read Dan Dutcher’s comments, similar to the last petition, that asks for a balance in the path network with the common area. Also, there is still the issue of the windows and porches. The Department recommends continuing this item to May 4, 2006 (Thursday).

The Committee had virtually the same comments as specified in item 4., Shelborne PUD.

Jerry Chomanczuk asked about the Department Report concerning the January TAC comments. Are those comments available at this time? Charlie Frankenberger said the landscape plan was to be more detailed, and the petitioner has submitted a fully detailed landscape plan to Scott Brewer and he is in the process of reviewing.

January TAC meeting was the initial TAC meeting; since then the Engineers from Cripe have submitted full size detail drawings to the Carmel Dept. of Engineering—they are in the process of responding to those comments. The revised plans were submitted.

Matt Griffin asked that Nick Redding, Carmel Engineering be sent a full set of revised plans. Nick will hold up the project until all of the original comments are addressed in a new set of plans.

Charlie Frankenberger said they had given a large scale of detail on its project. The petitioner is not required to return to the Commission for primary plat approval, since much detail is being submitted at this stage. The Engineers from Cripe will follow up.

Rick Ripma asked if a market study had been done by the developer before he embarked on this project and if so, what did the study show?

Paul Shoopman responded that there is a report that goes to most of the developers in the area—the Edsel Charles report. Yes, the study was done and it is a pretty extensive report that tells the market demographics of Hamilton County based on price points and how much ratio of buyers to price points. We have researched this significantly. With the lot value ratio, the more lot per acre, you really have about an \$800,000 home—we have done the market studies.

Rick Ripma asked about the architecture on the homes—whether or not brick is planned or masonry-type siding on the sides and back, one level up or what is the plan? Are basements being required on the homes?

Paul Shoopman said they are proposing a portion of brick front and the exterior on the other three sides would be hardi-plank. As mentioned previously, we want to make sure that everyone understands that additional brick is a customer-select option. Basements are not required on every home and again, this would be a customer-select option.

Wayne Haney confirmed the lot sizes. 80X120----about 10,000 square feet.

Paul Shoopman commented that one thing not touched on is that part of the green space area is a really nice woods and closest to the park. The trees will be preserved behind the existing house as well. The playground is in the wooded area.

Wayne Haney asked about the lot sizes—80X120—approximately 10,000 square feet.

Carol Schleif commented that under S-1 zoning, the lots would be a minimum of 15,000 square feet; the PUD is proposing 9,500 square-foot lots.

Charlie Frankenberger said that ROSO has NOT been repealed, it still exists; Council eliminated the density bonus from ROSO. Charlie Frankenberger said he would confirm the lot sizes and get back to the Committee on the area available for a home on the lot.

Matt Griffin commented that you could develop under S-1 standards and not provide any open space and be held to the minimum lot sizes of S-1, OR you could give the open space as required in ROSO and gain the flexibility of smaller lot sizes because you are already giving the open space in other places in the Subdivision.

Rick Ripma reported that when ROSO came through Plan Commission, the intent was to control the development, not to hold people to one-acre lots or one home per acre—that was never the intent of the Plan Commission. The Plan Commission wanted to go to PUD's so that there was greater control in a development.

There was further discussion on the lot sizes, setbacks, and the price point on the homes. As the value of the property goes up, the choice is, do you want the space or not and if so, do you increase the price? Buyers have choices.

Matt Griffin commented that this is a primary plat and will not be seen again—talking about the lot sizes and how they are laid out is entirely appropriate at this stage.

Charlie Frankenberger said there would be an updated information packet with elevations.

Carol Schleif again requested a height maximum of 35 feet—the petitioner was agreeable.

Note: The public hearing remains open on this item.

Docket No. 06010009 Z: Crook PUD was continued to the Special Studies Committee meeting on Thursday, May 4, 2006 at 6:00 PM.

6. Docket No. 06020006 PUD: Aramore PUD

The applicant seeks a rezone to create 150 townhomes & 72 courthomes on 27.35 ac. The site is located near the SE corner of Westfield Blvd and 99th St. and is zoned S2. Filed by Nick Churchill of Pittman Partners Inc.

Nick Churchill and Neal Smith, Pittman Partners appeared before the Committee representing the applicant. Also in attendance: Kevin Sumner, Stoeppelwerth & Associates, Mike Johnson, F. C. Tucker Co., and John Lapp, Kevin Parsons & Assoc., Landscape Architect.

The surrounding uses include an abandoned home on the northern-most east side of Kittrell, and one adjacent to Westfield Boulevard. Pictures of the area showing the abandoned homes and rental homes along Westfield Boulevard were circulated. The project consists of 150 townhomes and 72 courthome units—two flats stacked upon two flats with an optional elevator, located immediately adjacent to the east of Westfield Boulevard and to the north of 98th Street. The project has frontage on 99th Street.

This particular area has had a number of issues and there are significant challenges with draining this site because of its location. There have been revisions to the plan due to the drainage issues, the retention, and the proposed round about.

The petitioner showed elevations of all four sides and displayed the construction materials consisting of Hardi-plank siding and cultured stone. Colors were shown—they will be mixed so that the rows of homes will not be monotonous. Language in the PUD Ordinance specifies that the light fixtures would be compliant with the “dark skies initiative.” A revised PUD will be submitted that reflects the changes requested in the March 30, 2006 Department Report.

There has been significant discussion regarding the limitation of commercial use along Westfield Boulevard. The consensus is that this immediate area is not conducive for retail use—it is more suited to the corner of 99th and Westfield Boulevard. The plan provides for a stub to the north to provide for connectivity in the event the area would be developed in the future. It should also be mentioned that as you enter the main boulevard and head north, there is a terminal vista pocket park that would allow for good aesthetics; it is also a traffic-calming feature and will create a more pedestrian-friendly community. The pathways within the development will be inter-connected with adjacent areas and the potential 98th Street pedestrian pathway.

A traffic engineer from Edwards and Kelsey has done a traffic study based upon the 7th addition of trip generation—a standard used for all transportation traffic studies. Based upon the maximum number of units that could be allowed on this site—222 units—the total number of trips at AM peak would be 98, PM peak would be 116 trips. In addition, the connection with Maple has been examined and based upon conversations with neighbors, the connection is anywhere from completely undesirable to “that could work.” The petitioner will work through these issues and try to determine the best course to follow in the way of connections for the area.

General Remonstrance/Favorable: None

Organized Remonstrance/Unfavorable:

Bill Carrier, 9861 Chesterton, asked if it would be appropriate to table this proposal until the Department receives the blessing of the Plan Commission for the 96th and Westfield Neighborhood Plan. There may be changes in the proposed plan that might have an impact in the Neighborhood Plan. If this does proceed, the residents would recommend that the buffer be 100 feet, and that the buffer recommended on the east edge of this development as well as the south and north edges help reduce the impact of lighting, noise, and provide privacy to present land owners. In regard to density, the original application of January 20 specified 148 townhomes and 70 quads—it has now increased. The impact on the school systems needs to be determined. The street width needs to accommodate the turning radius for emergency vehicles. Drainage: Will it run into Woodbriar and Maple, dumping into the Chesterton streets?

Pete Sole, 9629 Maple, pointed out that there are buried water lines under 98th Street and nothing should be built on those. Rather than opening 98th Street and increasing the traffic, it would be

preferable to open a walkway that would naturally bond the areas of Chesterton and Wild Cherry. The hope is that at some point, the Wild Cherry and Chesterton areas would be part of a connection to the Monon. We are not necessarily opposed to this being opened, we are opposed if there are no improvements done because the area cannot physically handle the increased traffic. We are not opposed to the project.

Sherry Wood, 9641 Lincoln Boulevard, on the other side of Maple and will be looking at the pond. Ms. Wood's driveway is one car length to the street—how far away is the pond? Ms. Wood's home is the lowest grade and floods—the street is above her driveway and the street occasionally overflows into her driveway.

Kevin Sumner, Stoeppelwerth & Assoc. responded that he has driven the road and observed the situation. We have looked at drainage and cannot make it any worse than it currently is, we can only make it better. Mr. Sumner could not give the distance between the pond and Ms. Wood's driveway because the depth of the pond had not yet been computed. Mr. Sumner said he would bring that information at the next meeting.

Richard Kasse, 2215 East 99th Street, whose property shares 795 feet of property line with the proposed development, expressed concern with the setback on the buildings. There was a consideration of mixing the three-story townhomes and Mr. Kasse was not in favor of that. The homes in this area are all single story, sometimes two stories, but limited in height. The townhomes will be possibly 37 feet in height; persons on the second floor balcony of a townhome could look directly into his bedroom. The other concern is the drainage and easements—previously expressed. Mr. Kasse would like to see a berm-like situation with a fence and flora to ensure that the two neighborhoods are divided. Stormwater is a concern as well as the traffic (already touched on.)

Pat Rice, 9659 Wild Cherry Lane, stated that Steve Pittman had been working with most of the community in conjunction with this project and he has been very open to a lot of the suggestions made by the area residents. Steve Pittman has agreed to have the wildlife in the area live-trapped and taken away to another area. Steve has also agreed to have a biologist to come in, assess the entire area for wildlife, and talk about how this can be addressed.

Lucy Hunter, 2201 East 99th Street. Ms. Hunter's home will back up to a three-story building in the proposed project and it will be overwhelming. The proposed development is very dense with high (tall) buildings. We are asking that these homes be reduced to two-stories along the property line where there are other homes. Ideally, it would be kept single family zoning!

Dorothy Green, 9845 Woodbriar Lane, stated that the drainage is horrible in this area and would hate to have it made worse! Any guarantee that it will not be worse?

Rick Ripma responded that based on what everyone is saying, it would be difficult to make it worse. However, the drainage is looked at by a number of Departments/Agencies to make sure that the drainage situation is not worsened.

Rebuttal: Nick Churchill said that density now is at 8.11 units per acre or slightly less. School

Impact—this product is geared more toward empty-nesters, extremely high-end, and not attractive to families. Street width—the engineers say the turning radius is easy to navigate for emergency vehicles. Drainage will be worked through. All of the water will be handled and the situation will not be made worse. The developer will determine the distance of the pond to the street and have available at the next meeting. Nick Churchill agreed with Mr. Kastle regarding the three-story townhome abutting single story units; the development will be transitioned from three stories from Westfield Boulevard to two-stories. Currently, the petitioner is working through the wildlife recovery issue, but the timing is a big question mark. Someone from native plants at IU/PUI will be doing an analysis on the site.

Department Comments, Angie Conn. The PUD includes the Development Plan and ADLS—this project will not be returning to the Commission, so this must be finalized before the Plan Commission can approve it. The location of the pond would definitely have to be finalized. The petitioner did not show all four sides of the townhomes as requested—the Department needs to see the sides and the rear of the building. The landscape plan for Aramore PUD is currently being reviewed by the City Urban Forester. The petitioner has not responded to comments made by the Engineering Department as a part of the TAC review on February 15, 2006. Also, the petitioner is required to make roadway up-grades and improvements—either doing it themselves or depositing money into a bond.

Wayne Haney: It seems that there is approximately 70 feet of backyard on a combination of the two sides. It might behoove the developer to make a minimum of 35 feet rear yard on any of these units on the east side; with a berm and fence and landscaping for buffer at the rear. The building on the west side of Maple Lane looks as if there is only 20 feet—minimal—just by reconfiguration of the road, this could be accomplished. The indentation on the east side—petitioner says it is a vacant lot—Wayne Haney suggested it would make a nice pocket park. Wayne said he did not see the rationale for commercial, since he rarely walks to the store.

Rick Ripma wanted to get a better understanding of the landscaping—what kind of blockage is being done between the homes, and is there mounding? It is very fair and reasonable not to want a three-story building next to a one-story house. Rick said he would like to see what the blockage in those areas will look like from a ground level—not 20 years from now when everything grows—now, at installation. Rick Ripma also agreed on the commercial component—it would seem that commercial would be much better served at the corner of 99th Street and Westfield Boulevard.

Kevin Heber requested a tree preservation plan and a detailed landscape plan. As far as commercial, in an area such as this, it could be “tweaked” to be more interesting and more of a “hangout-type” place; right now, it is more a mono-culture of residential and residents—there is a lot of that already; light, mixed-use might be good with small scale, walkable, fun and accessible places to live and shop. This would mean fewer residents and less density—if the commercial were light enough, it would offset the traffic. Kevin liked the neighborhood concept plan, but would push for a less monotonous development.

Carol Schleif believes the proposed layout could be improved upon. It seems as if there is very little greenspace, it is mostly water, with no area for parks. The grid layout of the streets is way too

efficient. The building do not vary much and they are monotonous, it will look flat with two walls on each side. Front loaded garages—could be a better plan. The high end homes in the back are more in scale with the surrounding area. Carol wa concerned about privacy issues—three-stories against one story. The proposed development does not complement the neighborhood. Open space would help the layout and would like to see 2 stories maximum. Carol was opposed to the amount of hard surfaces in the development and would like to see the entire picture—perhaps we should wait. Carol agreed with comments made regarding the lighting, drainage, noise, school impact, and wildlife situation.

Jerry Chomanczuk referred to the traffic situation. With 220 residential units generating possibly 400 cars—what will be the impact on Westfield Boulevard? Is a traffic study being done or is one warranted? Jerry shared the same concerns regarding schools and the children and potential impact; this should be researched more closely. Regarding design, the siding looks very dark and brown—is this the consistent theme throughout? In looking at the stone, it is OK but would look nicer if it went one level higher—just doing the first floor entry makes it look as if you are “chintzy” on the stone. Is there a lighting plan? We want to be very sensitive to the nearby neighborhood—there will be several light posts and we want to see how much light will be generated.

Rick Ripma thought there was a public meeting whereby the school actually said they were not over-loaded. Would it be possible to get some sort of response from the school regarding enrollment? Also, if this project is approved and Maple Drive is connected, something needs to be looked at because of the additional traffic—this area would need to be up-graded.

Adrienne Keeling said the Department had been talking with the schools and they had expressed the thought that their capacity was not necessarily in the places where the children are at this point. The school expressed concern with Under-Capacity in the central area, particularly the Carmel Elementary and Orchard Park.School.

Docket No. 06020006 PUD: Aramore PUD was continued to the May 4, 2006 Committee meeting (Thursday) at 6:00 PM in the Caucus Rooms of City Hall.

7. Docket No. 06020010 PP: Stafford Lane

The applicant seeks to plat 51 lots on 29.079 acres.

Docket No. 06030022 SW: SCO Chapter 6.05.07

Orientation of Home – request to allow dwellings to face internal street

The site is located south of 146th Street and west of Gray Road, and is zoned R1

Filed by Matthew Skelton of Bingham McHale, LLP, for Drees Homes.

Steve Harden, attorney, Bingham, McHale LLP appeared before the Committee representing Drees Homes. Also in attendance: John Talbott, Drees Homes; John Lapp, Landscape Architect; Eric Batt, Engineer with Schneider Engineering.

Steve Harden distributed elevations of all four sides of the proposed buildings. Regarding the landscape plan approval, John Lapp, landscape architect submitted the revised plans to Scott Brewer on March 20, 2006; to date there has been no response. However, it is the petitioner’s belief that the

proposed plan does comply with all applicable ordinances, as well as accommodating the request for street trees, common area, the Elm trees and installing a fence proposed along the western boundary.

Regarding connectivity of the roadways and sewers through the project to adjacent sites, the original plan did not show a connection to the east and the Department suggested that it would be required as a stub street. The plans were revised to include the stub street; the plans now comply with the Ordinance. As far as the sewer goes, as is normal, the developer does not actually acquire an easement until after the plans have been approved. However, after talking with the sewer utility, the petitioner will negotiate the acquisition of an easement along the eastern property or the utility would do so if the petitioner were not able to reach an agreement with the adjacent property owner. There is also a plan that has been put together for a temporary lift station in the event one is necessary to connect into the adjacent Copperwood development.

Regarding the Engineering comments: the Engineers have responded and made revisions to the plans for submission to the City Engineer. There were a few things noted in the comments regarding the entry road that is off-center from the right-of-way and that was proposed as such to be able to save the row of trees along the eastern line of the entry road. There was also a request about having sidewalks on the western side of the entry road—again, those were not being proposed in order to save the trees, however, the developer and Drees Homes are prepared to have strict compliance with the Subdivision Control Ordinance if the City Engineer requires centering the road and installing the sidewalks. Steve Harden mentioned that 146th Street is within the County jurisdiction and the County does not have any objection to the location of the entrance.

General Public Comments/Favorable: None

Organized Remonstrance/Unfavorable:

Dick Foltz, 882 Arrowood Drive, appeared before the Committee representing the Copperwood Home Owners Association and its 78 homes. We are not trying to stymie the development, however, our request is that the access road be moved to the east rather than running along the back side of the homes, thereby creating a double-frontage situation—basically have back yards to back yards. Basically, we do not want the people in the back yard of our homeowners to go from a one family using the access road now to two families using the access road—this situation is unsafe for children and would be undesirable. The Copperwood HOA voted unanimously to present this decision to the Committee and formally request that the road be moved. This was submitted in written form and sent to the Committee members with the packets.

Judy Hester, attorney representing the Thompsons, owner of the parcel located in the center of the proposed area. At the Plan Commission meeting on March 21st, the petitioner represented that they had all the easements that were necessary and were intending to build over the private driveway that has served the Thompsons and the Staffords. The Thompsons are wanting to determine their rights and have filed a Declaratory Judgment action to ask the Court what the Thompson's rights are if something is built over the driveway. The drive is one-quarter mile long and we want to make sure we have the right within the easement and that the development would not diminish the easement. The Thompsons also have the responsibility within the easement to repair and maintain the private

drive. The Declaratory Judgment will declare what the Thompsons rights and obligations are. There are still issues with double-frontages and the open spaces.

Marcy Reddick, attorney with Summer Barnhard, representing the Estridge Company and property owner immediately to the east of the proposed development. We are a little reluctant to speak against another development in this community, however, our client has very sincere concerns as an adjacent property owner as to how this development will proceed. The concerns raised at the last meeting remain un-addressed. Mr. Harden and Drees Homes have represented that they have the easement they need and that their plat complies with the Subdivision Control Ordinance; however, as their proposed plat states, they would need a road to stub on the southern perimeter of our property—that would result in double-fronted lots in Oakbrook Court and/or perhaps the removal of the line of pine trees. Drees also contemplates on their plat the installation of a sewer line from Gray Road leading to their development, again in the road right-of-way. We have not had conversations with the Drees Company except for a casual conversation over one year ago with a former employee of Estridge Company. The stub in its current depicted location would affect the Estridge plan to develop the parcel they own. There are still issues from the TAC review that have not been fully addressed. There are some pretty serious design issues that remain with this property.

Rebuttal: Steve Harden referred to the existing easement. The petitioner has heard from the neighbors in Copperwood that they would prefer to have the entrance road moved, but that is not within the control of Drees Homes—the Thompsons control this easement. If the Thompsons would like to see the entrance road moved, it could have been accommodated, but the petitioner cannot require Estridge to do that—the easement is in place—but we don't have the ability to ask the Thompsons to move the easement. The petitioner does not agree that double-frontage lots are being created by this plat. As far as the property to the east and how it might develop, that is completely within the control of the landowner; there is no requirement that they run their street along the southern boundary, there is no requirement that there would be right-of-way along the southern boundary without having feedback or comment over the last six months as far as any insight as to where they would like to see the stub street, we were left to show it on the site as directed by the staff that there was a requirement for the stub street. There is flexibility internally to the property to the east to be able to line up the roads however they would like—they do not have to run it along the southern boundary. We don't believe that it affects whether this particular plat complies with the Ordinance. The petitioner believes there are no outstanding issues remaining and that this proposal does comply with the Subdivision Control Ordinance.

Department Comments, Angie Conn. Comments received from Committee member Dan Dutcher agree with the Department and the neighbors that the entrance road design is not acceptable. The current design bisects the common area. The Department is not in support of the proposed layout and feels that a different design would better serve the City, the applicant, and the neighbors. On further review of the petition, an eight-foot tall fence is proposed, and that will require a variance; the maximum height for a fence is 6 feet. Also, docket numbers will need to be issued for two more subdivision waivers, one for the percentage of open space, 20% is required and less is being provided; also a waiver would be required for the curve radius of the road. The Department has requested a copy of the recorded Easement to the existing homes for inclusion in the Department file. The Department recommends that this Docket be continued to May 4th Committee.

John Talbott, Drees Homes, stated that there is an existing 50-foot wide easement that runs along the western property line.

Wayne Haney suggested that the petitioner make an inducement to the Thompsons with the provision of a permanent easement to the road to the east—that would take away the objections from Copperwood, they would never have to repair the streets, they would have access at all times, and the petitioner would be responsible for the upkeep. This is a do-able thing if each party gains something from the change of the easement.

Kevin Heber did not understand why the trees would have to be removed.

Matt Griffin responded that the Urban Forester had concerns about whether or not the trees would survive with the utility easement close to the roots.

John Talbott said they had met with Scott Brewer on site and talked about moving the street over and originally eliminating the sidewalk to try to save the trees—they are beautiful trees.

Steve Harden referred to the easement and said Drees has really tried to reach out to the Thompsons over the last six months, however, for a variety of reasons, there has been no resolution of the situation. Again, Drees would be willing to move the entrance road, but we don't have the ability to move the easement.

Judy Hester, attorney said that Drees had approached her client and without going into detail, the Thompsons were not comfortable with the way they were approached. Currently, the Thompsons do have an agreement with another developer and those terms cannot be disclosed.

Rick Ripma offered his speculation that Estridge has a contract on the Thompson property and may be trying to stop the development so that they can have the entire piece of ground. The Thompsons are probably caught in the middle.

Carol Schleif commented that this proposal might be a little premature until ownership and contracts are settled. This situation is peculiar to have someone in the middle—there is obviously tension going on and this should be settled before the Committee makes any recommendation.

Steve Harden said they had been trying to work closely with the Department to resolve all issues. At some point, the plat will comply with the Ordinance. If the Thompsons are not able or willing to talk about how to solve the access issue, the only choice is to plat in some form as presently seen, with the entrance where it is.

Carol Schleif said the road should be moved to the other side—this means resolving the easement issue. Double-lots are an issue—putting neighbors against the commercial area is an issue—this is not compatible. If Estridge has an agreement with the Thompsons, it must be more than Drees is offering and the Plan Commission does not belong in the middle of the situation.

Steve Harden responded that if the Thompsons are not willing or cannot talk about changing the

entrance, then the easement and road as located will have to stay where it is—this is a plat and if it is compliant with the Subdivision Control Ordinance, that is the only choice the land owner has to plat the ground—the road must go there.

Jerry Chomanczuk commented that it does seem as if the Commission is caught in the crossfire to decide between two parties. Looking at the double frontage issue, we had another such issue and it was before the Commission for a least a year and a half before it was eventually shot down. The developer was not allowed to develop and the property was sold to another developer—it was a similar situation. This is an impasse that must be resolved.

Marcy Reddick said that Estridge had acquired an option on the Thompson property over a year ago and pre-dates the date at which the Drees Company purchased this property. It was not a situation where this property was purposefully picked—several properties are in place—a developer cannot always acquire a neat group of parcels together—they are trying to put together a puzzle.

Steve Harden said it would be helpful to hear from the Thompson's attorney as to whether or not they have the ability to even be able to discuss a solution with Drees. It is probably not fair to Drees to ask them to work out something with the Thompsons if they do not have the ability or willingness to enter into dialogue.

John Molitor cautioned the Committee—a lawsuit has already been filed and the Commission should not be a part of that. If parties would like to respond to questions, OK—but it certainly is not the Plan Commission's job to referee or mediate a dispute between competing developers.

Judy Hester spoke for the Thompsons—yes, there is a lawsuit, and yes, there are other issues here, but again, the Thompsons were not comfortable with the approach by Drees.

John Talbott said the answer they have received is “No, we are not going to discuss it.” However, Drees is willing to try again.

Carol Schleif thought the Committee was trying too hard to make this work.

Debbie Noons, 1549 Copperwood said that Drees had talked to her and some of her neighbors about putting in a fence—where it would go in relation to the street and that it would have to fit in between the trees. At that time, it was one or two feet from her home and that is not acceptable. This really does look like double frontage.

Docket No. 06020010 PP, Stafford Lane was continued to the Thursday, May 4, 2006 Committee meeting at 6:00 PM.

8. Docket No. 06020016 PP: Woods at Lions Creek

The applicant seeks to plat 33 lots on 59.097 acres.

The applicant also seeks the following Subdivision Waivers:

Docket No. 06020019 SW: SCO Chapter 6.05.01

Lots – request to permit lots with less than 50 feet of right of way frontage

Docket No. 06020020 SW: SCO Chapter 6.05.07

Orientation of Home – request to allow dwellings to face internal street

Docket No. 06020021 SW: SCO Chapter 6.03.07

Cul-de-sac Length – request to have cul de sac in excess of 600 feet in length

Docket No. 06020022 SW: SCO Chapter 6.03.21

Stub Streets – Request to have only one point of access (no stub streets)

The site is located at 4343 W. 138th Street and is zoned S1 Residential

Filed by Allen Weihe of Weihe Engineering for JC Developers, LLC.

Matt Skelton, attorney with Bingham, McHale appeared before the Committee representing the applicant. Also in attendance: Muno Henderson, JC Developers; Matt Lutz, Century 21 Realty; John Edwards and Jim Langston, Langston Development; Dave Barnes, project engineer with Weihe Engineering.

The site is located on the west side of West Road, between 131st Street and 141st Street. The petitioner is proposing 32 single-family lots with a starting lot price of \$400,000; the homes would be priced starting at \$1.5 million. Additional pictures have been included in the information along with high-end guidelines. Some examples of probable homes in this development are included in the pictures along with a picture of the home currently existing on this site that will remain intact.

The petitioner met with Scott Brewer on site and he has provided additional comments. The petitioner has since revised the landscape plans and re-submitted them to Scott Brewer—all of his concerns have been addressed.

In regard to engineering, comments were received from Gary Duncan as a part of the TAC review process. Additional materials were submitted to Gary Duncan as of today and all of his concerns should now be addressed. The petitioner understands what is expected of him as far as commitments for either making road improvements or a monetary contribution for road improvements. The petitioner believes he has addressed all of the issues raised for this project.

There was one primary concern raised at the Plan Commission meeting and that was a stub street or future outlet for the development. This development is designed as a gated community and does comply with the new, gated community standards published by the City, although this was filed before the standards were adopted and it is not necessary to comply with those standards. However, the petitioner believes he does comply with those standards.

An emergency access has been provided in order to respond to public safety concerns. The access is located at the end of the cul-de-sac nearest to the road and is shown on the plan. The petitioner has spoken with the neighbors and generally speaking, they are very happy with the proposed development—the style, the value of the homes—however, there was a very strong preference for having one street entrance. There are some logistical barriers that would prevent stubbing an access in any meaningful way to adjacent properties.

Jim Langston referred to the packets that showed the adjacent uses. The parcels on both sides, north and south, are divided into large, estate-type homes and the majority has existing, estate homes on

them. Adjacent to the south is the Bellwood Subdivision common area and stubbing would not be feasible in terms of connectivity. To the west is the Austin Oaks Subdivision—there is a potential to connect, however there is at least a 15-foot contour issue in terms of stubbing. Again, to the north there are existing homes on the parcels and from conversations with the neighbors, they are selling property as large, estate-type parcels and stubbing a street in this direction is highly unlikely. There is also an existing pond directly to the north with a drive that comes off of West Road and meanders just south of the existing pond.

Due to the logistical, practical reasons stated, the petitioner believes he complies with the gated community standards. The proposed development is a very high-end project and the petitioner is hoping to provide very, very nice home sites for the consumers looking for this type of life style. There is a demand, especially in this vicinity, for this type of housing.

Department Comments: Angie Conn referred to comments made by committee member Dan Dutcher in a letter. Briefly, more detail is requested on the gated community fence. Dan also requested a comparison of the City design guidelines and how those compare with what is being proposed, probably architecture. Dan also expressed concern with individual lot owners sharing a portion of the pond; Dan also wanted to know why there was no access to the main common area pond; there could be a gravel path to the common area of Bellwood. Are there commitments regarding landscaping and buffering for those lots that are affected by the Thoroughfare Waiver?

Department Report, Angie Conn: Because this is a gated community with private streets, a subdivision waiver will be required, (Chapter 6.03.20 of the Subdivision Control Ordinance.)

Kevin Heber asked why there was no waiver for the private street (Matt Griffin said this was due to an oversight and it will be noticed for the next meeting.) There are no private streets—this is very clear—and a waiver would have to be requested. Kevin was offended that this is being presented as a development that meets all the criteria when in fact a waiver needs to be requested.

Wayne Haney asked about ownership of the pond, and who maintains the little triangle? Wayne said he had never seen a situation before where the pond is divided.

Jim Langston responded that this is an existing pond. The maintenance of the pond will be shared by the individual lot owners and that will be specified in the covenants. Any general common area in this development will be maintained by the association of all the lot owners—this will be addressed in the covenants as well to provide for the maintenance.

Matt Skelton commented that what is shown on the graphic are established easements—permanent stormwater easements designed to restrict and control the kinds of activity that takes place within those easements. In speaking with the County Surveyor's office earlier this week, it is their preference that the developer establish separate common areas for these little pieces of pond, only because they believe it creates a tighter perception of lot ownership. There may not be any functional difference between having it cut up into small actual parcels or having an easement that controls what happens in there, functionally; we expect to address that with the Surveyor's office. So far, the City is fine with the way this has been proposed, but we will probably make the revision.

Wayne Haney commented on a similar subdivision in California, only there were two ways out. The “turn-around” gate was opened by a garage door opener for the residents and guests always came to the gatehouse. Just by a simple, electronic means, only the residents could come in one way and guests at the gatehouse—the police and fire could over-ride everything.

Matt Skelton further commented that two of the lots will have a shared driveway that runs back to the two homes and overlook the creek. These two lots are oriented differently to maximize the view sheds.

Rick Ripma asked for more design detail on those homes that require the waiver for orientation of the homes—the ones that abut West Road and how those will be blocked. Masonry wraps have been required on homes in this type of area as well as additional trees for blockage from the street. We would also want written commitments—we want to be consistent.

Jerry Chomanczuk asked if there were any issues with flood plains.

Dave Barnes responded that a HEC study was done—nothing has shown on the Corps map—no wetlands.

Carol Schleif said the design was extremely awkward—the fact that you must travel all the way through the neighborhood and up to the street and there is no gate—it is very peculiar. This strikes me as odd—these lots are touching the road and there is no access. If I lived there on lot 22, it would be a pain to go all the way around, since you are only 10 feet from the pavement!

John Molitor reminded the Committee that the petitioner is asking for waivers from the Subdivision Regulations and they need to show that there is a hardship or that what they are proposing will result in a better design than the conforming design. It is the Plan Commission’s discretion whether or not to grant it—they can insist that they conform in every respect.

Wayne Haney made formal motion to **forward Docket No. 06020016 PP: Woods at Lions Creek** to the full Commission with a positive recommendation on the primary plat and the requested waivers, **conditioned upon** outstanding issues being resolved before the full Commission meeting on March 21, 2006, seconded by Jerry Chomanczuk, approved 4 in favor one opposed (Heber.)

9. Docket No. 06020005 OA: Michigan Rd Overlay

The applicant seeks to amend the Zoning Ordinance in order to amend the development standards in Zoning Ordinance Chapter 23C .

Filed by the Carmel Department of Community Services.

Adrienne Keeling appeared before the Committee representing the Department of Community Services. The Michigan Road Overlay is the same as last month, however it has been revised to separate the use table. The Department is proposing to limit retail uses to 75% of the gross floor area of projects in the B-3 District located north of 106th Street, and allow residential uses up to 50% of a project’s gross floor area in the Overlay, require each lot to contain a building with a minimum

of 2,500 square feet of gross floor area, and establish a maximum gross floor area of 85,000 square feet.

There were no members of the public in attendance this evening.

Jerry Chomanczuk asked how the 85,000 square feet compared with the southern, big-boxes being constructed such as Home Dept, Target, etc.

Adrienne Keeling responded that those buildings are probably in the 150,000 square foot range. We are trying to transition to the north—the larger footprint buildings to the south—the Overlay pretty much dead-ends to large lot residential. This would be subject to the 35% waiver for residential, just by being in the Overlay Zone.

Kevin Heber made formal motion to forward **Docket No. 06020005 OA, Michigan Road Overlay** as presented, to the full Commission with a positive recommendation, seconded by Carol Schleif, approved 5-0.

10. Docket No. 06020017 CPA: 96th & Westfield Neighborhood Plan

The applicant seeks to amend the Carmel/Clay Comprehensive Plan in order to incorporate the 96th & Westfield Neighborhood Plan.

Filed by the Carmel Department of Community Services.

Note: Heard out of Agenda sequence.

Adrienne Keeling, City Planner with the Department of Community Services appeared before the Committee representing the applicant. The hope is to amend the Comprehensive Plan in regard to this particular area that is facing some development pressure. The Department has been working over the last several months with residents and other community members, the City of Indianapolis, and even people from the Nora North Community Council to talk about conceptual land use plans for the area.

General Public/Favorable: None

Organized Remonstrance/Unfavorable:

Pat Rice, 9659 Wild Cherry Lane, Indianapolis sent/distributed packets to the Committee members. Pat Rice asked that the Committee address all of the issues in the packet; Pat also referred to a map that was inserted in the packets.

Pete Sole, 9629 Maple Drive, said he had prepared packets and distributed same to the Committee members. Mr. Sole was representing the Forest Glen area—basically the two streets that are both sides of Maple Drive, and Lincoln Drive that opens onto 96th Street and also backs up to the proposed Pittman project. The residents are here because this is an area in transition and we feel we have been somewhat left out of any of the decision making process; we have some particular requests within our area. From Keystone Avenue moving across 96th Street to

Westfield Boulevard, some very significant changes have been made to the proposals in our area in a very short period of time. When we first came into this, the proposal was termed a 5, 10, 20-year plan; since then, it has become a 3 to 4 month plan in certain circumstances. There is a commercial zone with a buffering zone and transitions to mixed residential density unit proposals for bordering Westfield Boulevard—this is all a transitional area from commercial on down. Our area represents a neighborhood of 40 plus years with some unique differences.

At a neighborhood meeting with City planners in August, the initial proposal was a 5, 10, 20-year plan. Improvements along 96th Street were discussed as well as area changes northward on Westfield Boulevard and different frontages. At that meeting, maps were displayed and given to all of the participants attending. Basically, it showed the entire area as residential conservation. With that in mind, we looked at some things being proposed.

There was a follow up meeting in February where we learned another map was being presented that changed our area to a mixed-use area. Most of the information given to us at that meeting was identical to the first meeting. We asked a lot of questions, and specific questions about how these changes will affect the residents that are there and there were very few answers to our questions. As a result of the meeting, we were told that there would be small, sub-committees formed. Forest Glen asked to be a part of the committee and have representation—names were submitted of residents in Forest Glen who would be willing to serve on the committee. We were surprise to learn that our area was then designated as a transitional area. During this time frame, the community was preparing for a rezoning meeting of the property north of 98th Street and east of Westfield Boulevard. Property owners were being approached to sell their land on both 96th Street and Westfield Boulevard. Developers were approaching property owners in all of these areas that only three months earlier in these meetings were merely 10, 20-year projections of any changes.

When we were told of the Carmel Plan Commission meeting and learned that Carmel had requested that Maple Drive be open as a part of the Pittman proposal, we were concerned, uninformed, and kept in the dark; this was not done by Pittman Partners, it was done by an agency of Carmel. As a result of holding these meetings, putting up the proposed land use changes, the property values and marketability of the properties has been affected greatly by the reckless unfolding of these land use proposals. At a public planning commission meeting on March 21, 2006, Kittrell and the Forest Glen Subdivisions were portrayed as areas in transition with lowering property values, 3 to 4 examples of housing problems were portrayed in a picture of a “neighborhood on the brink.” We are taking this opportunity to explain how this depiction is wrong and the responsibility of this depiction lies solely with the Department of Community Services.

We had no problem with the real estate selling in our area and increased land values until the public meetings started in August. They also announced to every commercial developer that our area was going to be transformed. On behalf of Forest Glen, we formally asked for a public retraction of the statement of lowering land values and asked to have the public depiction removed from the Carmel website. That is what we are asking this evening.

In addition, we asked to have our voices heard in what is a very important study that affects our residence in this area. What the people of Forest Glen are in support of: We are not against change, we are not against the dis-coordination of planning and change. We are against the dis-coordination of planning without the balance of consideration being given to area residents' thoughts and concerns. We are prepared to accept change with the understanding that Carmel realizes that we have a vision of our part in this development and together we can make this vision the future. We have a plan to show how Forest Glen can fit into this transitional area.

We believe that Maple Drive and Lincoln Boulevard have a special blend of homes with varying architecture set on land with mature tree canopies that are impossible to replicate. Our lot sizes allow these quality-constructed homes to set back from the streets. We believe that as proposed projects are in the planning stages, both commercial east of Forest Glen on 96th Street and as projects move forward on Westfield Boulevard, and as it relates to the Pittman project to the south, now is the time to consider improvements in our area if we are to handle some of these changes. The Forest Glen area fits naturally into this area—transition model—and can improve the area's appeal. Forest Glen can be a treasured asset to Carmel and the 96th Street corridor. The reason Carmel envisions this area as a good place to plan for new family units is because of its availability and proximity to surrounding amenities. That is the reason a lot of our residents are where we are. We are not in an area of diminishing property values, we are just in an area that has not been considered as a part of the planning process.

Our proposal: If these proposed commercial areas are to go forward, we must be assured that Forest Glen will have a commitment from Carmel to improve our infrastructure to handle the future needs. Otherwise, we continue our stance for not wanting our roads to be open to the increased traffic. What we saw on the Pittman proposal was that Carmel had asked for this road to be open—we believe they want the road to go through to 99th Street to help handle the traffic flow. We also believe that it has not been discussed—they show the road as open, but it is not open now—there is an easement, it is very skinny, but it is open going up Kittrell, Lincoln becomes a “U” back to Maple—it is a closed off street. Specifically, what we would like is while planning drainage for these new projects, either Pittman or any of the changes in use, that you improve the drainage in the Forest Glen area to handle surface runoff, both existing and newly created. If the City is adamant about opening Maple Drive to the flow of traffic from 96th Street to 99th Street, (streets include the proposed project to the north) then widen Maple Drive so that it can handle the flow of traffic. Install sidewalks on both Lincoln and Maple Drive to ensure the residents have safe walking and biking. Do not open 98th Street; instead create a pedestrian walkway to link the newly proposed Pittman community to the neighbors of Chesterton, Wild Cherry, Maple and Lincoln. With a limited easement of 98th Street and limited use on the south side of the proposed Pittman project, this proposal is an inexpensive use. We know there are buried water lines; we would like to see a possibility of a community walkway for the area that can't be used for anything anyway. Since we have lived here, we have never had walkways or amenities where we could get out of our neighborhoods because there is too much traffic and no sidewalks. This proposal could be a natural blend and would create a synergy between the new and the old, building the community that Carmel is striving to achieve. Safety and traffic flow: Above else, with the increased traffic that will be imposed on this quiet area, we need a commitment from Carmel that they will create a program to slow traffic and

discourage drive-thru commercial traffic on our streets. We will support speed bumps or any other method to achieve that.

These proposals will blend the future needs of Carmel in a balanced progression of a valued, old neighborhood with few amenities. The proposals will preserve the neighborhoods that call this area home and will improve the quality of life and land values that Carmel is known for. If these improvements are made at the time needed work is done to support the future development, this should be the most economical time to minimize any additional expense. Forest Glen, Maple and Lincoln Drive, viewed from 96th Street with its tree-lined canopies, manicured streets and varied home designs becomes a reminder that the old time neighborhoods are not gone, they are just getting better. We respectfully ask that the Committee recognize and consider our proposals as an area of redesign for the future.

Dennis Maurer, 9642 Maple Drive greatly objected to the posting on the Carmel website with a balloon caption that states: “Single family homes north of 96th Street become less desirable with limited left east turning and high traffic.” “Less desirable!” We already have decreased values. People with homes for sale on Maple Drive are not moving where in the past, they moved within 90 days. This is a very desirable area. The statement borders on liable and degrades the neighborhood through a comment—saying that we are less desirable than other areas. The residents request, short of demand, that Carmel remove that statement from the website and issue an official retraction on the website.

Mike Dooley, 9622 Maple Drive said that traffic is a huge concern for him; he has three small children and there are no sidewalks. When the streets were shut down in September to work on the roundabout at 96th Street, there were 86 traffic violations documented by the City of Carmel from September 21st to the 30th. For the record, Mr. Dooley opposed Maple Drive going through, it will be too much traffic for the residents in the area. A large majority of the neighbors would like to keep the road closed and preserve the residential area. Mr. Dooley was also upset at the generalization that the entire area is somewhat less desirable—this statement has probably had a negative impact on the market value of the homes.

Ron Schaffer, 9604 Maple Drive, the corner of Maple and 96th Street, said it is increasingly more difficult for him to get out Maple Drive onto 96th Street, in either direction, since the construction of the roundabout. Mr. Schaffer said he had done considerable remodeling to his home, third car garage, master suite, new concrete patio, etc. Now, we are running into this problem of Carmel rezoning and the statement of “less desirable neighborhood,” and it worries us as retired persons. We have done a lot of planning and remodeling with the thought that at some point in the future, we could sell the house at a profit and use the money for living costs and enjoy retirement. Everyone in this area is getting concerned about the perception of the neighborhood because of negative comments made by the City of Carmel.

Richard Arnold, 96th Street, termed as mixed-use residential, should be changed to mixed-use commercial, primarily because Indianapolis owns the other side of the street and they are already zoned commercial. If we are not zoned mixed-use commercial, it will be a dis-service because everything that happens will happen on the south side and we will be left holding the bag on the

north side. Our properties will be far below value if not designated mixed-use commercial. A contractor could come in and use our properties, but if they are still residential, what can you do with residential properties?

Rebecca Hunter, 2201 East 99th Street, a 12-year old student at Clay Middle School, states that her back yard is in the middle of the development and zoning request before the Committee this evening. Rebecca would like the area preserved for not only the residents but also the wildlife that inhabits the area. Rebecca asked that the Westfield Boulevard approach to Carmel not be made to look like a high density, high turnover city. This area is the best-kept secret in town, but adding over 200 dwellings, 2 automobiles and 1.7 children per dwelling will overwhelm the area, the streets, and the schools.

Lucy Hunter (Rebecca's Mother) 2201 East 99th Street said the area referred to is the southeast corner of Westfield Boulevard and 99th Street. This area has been larger lots with single families, and we are requesting that rather than approving mixed use and business on this corner, the area be kept as single family residential. We are asking that the lots not have 12 homes but only one or two.

Bill Carrier, 9861 North Chesterton, spoke on behalf of the Chesterton Neighborhood Assoc. as well as the Board of Directors of the Assoc., the only official neighborhood association in the area under discussion, consists of 86 homes. Mr. Carrier wanted to clarify some aspects regarding the steering committee. At no time in the committee meetings or the general meetings was any voting done on the different proposals or different recommendations—all the modified plans submitted by the Department of Community Services were objected to by various members verbally as well as email. The so-called plan being looked at this evening is not acceptable to most of the homeowners, regardless of where they live in this area. The plan needs to be re-done. There are very few people that object to planning ahead for change—that is inevitable and the right thing to do. However, the current approach being used is not fair to the various parties involved. It has the few homeowners who would like to sell out as well as people who want to stay at their present home. Both parties are almost at each other's throat because of these two different forces. By and large, the force that does not want to sell out is in high majority of the area referred to. If Carmel approves and accepts the present plan, then please consider a few changes that must be made. One of the major problems seen is the lack of addressing density in the plan—this is not an area that has high-density type development. We need to go back to a more organized approach of addressing this situation. Without a proper structure for planning ahead, there can be situations develop that are not conducive to the people who will want to continue living here.

Cole Alexis, 9658 Wild Cherry Lane, served on the steering committee. There are a few things that are bothersome, and the thought is to separate the plan from the process at this point. From a process standpoint, a lot of the complaints expressed tonight stem from the fact that the plan was not voted on—it was finalized after the steering committee finished meeting. What you see before you is something that was aired in public but the steering committee missed an opportunity to clarify some of the language—language that was objected to quite loudly this evening. This is something that can be fixed, but in its current form is not acceptable.

Jim Shinaver, attorney with Nelson & Frankenberger, spoke as an attorney representing the Tintera family—John Tintera is present this evening. The Tintera family owns a specific parcel that has been in the family since the 50's. The parcel is north of and adjacent to 96th Street, west of and adjacent to Haverstick, east of and adjacent to Wild Cherry. Jim Shinaver said they are here this evening to ask the Committee to keep an open mind about any designation that may occur for this particular piece of property. Under the current proposal, Mr. Tintera's property is being proposed as medium density residential. Mr. Tintera is seeking an opportunity to discuss designating that particular parcel for a commercial type of use, taking into consideration what is occurring around us and on the south side of 96th Street in Marion County. Jim thanked Pat Rice for her time and effort in preparing a drawing that shows alternative recommendations for the entire area. In Pat Rice's analysis, she has designated a certain portion north of and adjacent to 96th Street, west along Haverstick to the mid-point of Westfield Boulevard as mixed-use commercial live/work units. It appears that the alternative plan acknowledges some of the issues being brought forward about the designation of Mr. Tintera's parcel and the realities of what is going on around that parcel. We will continue to attend the meetings and provide input.

Rebuttal: Adrienne Keeling, Dept. of Community Services wanted to clarify the submittal—"Single family homes north of 96th Street become less desirable with limited left or east turning and high traffic." It certainly was not the intent to paint the entire neighborhood as less desirable. What was trying to be said is that houses gaining access to 96th Street on the north side of the street may have problems in the future with turning left. We were not trying to portray the entire neighborhood as less desirable; we fully expect any improvements for 96th Street and access along Maple Drive to have both and left and right turning capabilities. Adrienne Keeling apologized for the statement that was viewed negatively by the residents. (Note: The residents want the statement removed from the website, a retraction and formal apology.) As far as the connection from Maple Drive into the potential development to the north—it has always been the policy of Carmel to encourage connectivity—we are not trying to single out any particular neighborhood, it has always been our policy to provide connectivity between developments for inter-action and emergency purposes. The 98th Street connection did come up this evening—the Department fully agrees that a pedestrian connection between the Chesterton neighborhood and anything that would go into the mixed-use area. The map portrays that the right of way does go through, but there are no plans to extend that as a roadway. Currently, there are no plans to extend that as a roadway, but it is a good idea to have a pedestrian connection in this area and will work towards that goal.

There were several meetings of the steering committee and included discussions ranging from Parks to commercial development to wildlife to everything! There is an illustration that portrays the entire area designated as residential conservation and transitional as residential conservation. The Department felt that "residential conservation" was a good designation for the short term, however, we have heard from a number of residents who would like the potential to change their land use; therefore, we added the transitional area from Wild Cherry going west to Lincoln, Kittrell and Maple. The Department agrees that this is a great area—the tree canopy is great, the houses are nice, but the idea is that only if 5 acres were to be assembled along the roadways, either 96th Street or Westfield Boulevard, we would like to use that as a trigger for further study.

We would not want to see one or two homes or lots being sold and requests made for some type of development plan or rezoning. We would rather have at least 5 acres to allow for a more meaningful site plan and to enable a whole system of green space, pedestrian paths and buffers to help those who wish to stay in their neighborhood and certainly those to the north, particularly in the Chesterton neighborhood. Again, the City is not planning to buy anyone's home and we are not planning to automatically rezone anything. If someone does wish to sell his home and the person that purchases the home would wish to change the use or bring in some type of development, they would need to go through the process of rezoning. The Department wanted to have a plan in place or at least a plan in the talk stages if and when homes are in the process of being sold.

Bill Carrier commented that if the Department goes back to the drawing board to re-do this area, that would mean there would be no plan for any developer to look at and say "I meet it or I don't meet it." You would not know what the plan should really be, therefore, in the time interval of re-developing a more meaningful plan, would it not be proper procedure to not allow any development to take place in this area?

Adrienne Keeling responded that there have been developments proposed in the past, and the neighbors have come forth, offered their opinions, and in many cases have stopped those developments. If the question is whether or not the Department can stop accepting applications for development for an area—that would be an issue the City Council would have to take up. Ultimately it is the petitioner's choice to bring an application forward to the Plan Commission.

Wayne Haney commended the neighborhood speakers who were very articulate, well thought out responses to the proposals. Wayne said he believed not only in neighborhood preservation but also in improvement. If a neighborhood must give up things for the sake of progress, there should also be something of benefit for them. This neighborhood has a number of fine homes, but the neighborhood could also use sidewalks, drainage improvements, etc. The improvements and preservation of the area should be considered as important as new project development.

Rick Ripma agreed with comments made by Wayne Haney. Obviously, there was some issue with the posting on the website. Rick said he did not read the statement anything like the way it is being interpreted by some of the residents. However, this is an easy thing to take care of and the Department agreed to remove the statement from the website. It sounds as if the area does not feel they were listened to, even those who were included in the conversations feel they were not listened to.

Adrienne Keeling responded that there were two different viewpoints—one side wanted to see everything conserved, the other side saw some opportunities to change some things. Most of the dissent took place probably on the line between transitional and residential conservation. No one really came to terms with which way it went. The Department felt that the transitional designation that would force 5 acres before any type of development was considered a good alternative. The Department did not want to place any specific land uses in the transitional area because the area might change by the time someone would assemble 5 acres to develop—it also might be an extension of the medium density residential. The Department felt that the

transitional area was a good answer to the two sides; however, we are now hearing that may not be the case.

Carol Schleif questioned the need to have two separate designations—residential and transitional. Transitional is a little insulting and suggests a lot of things that do not seem to apply to this neighborhood. If there were a transit hub in this area, there might be some compelling reasons to do this—is there something more here?

Adrienne Keeling said it is a couple of things. It is known that we are trying to initiate 5-minute, quarter mile walk areas for people to inter-act, have gathering spaces. The corner of 96th Street and Keystone has been identified as a node and when a radius is drawn around this area, the area to the north and west of the study area is void of this node. Part of that is the 5-minute radius, but another part of that is those parcels and what the Department has designated or proposed as mixed use are the larger, easier to assemble parcels. Something like this would not be proposed in the smaller parcels or in the neighborhood area.

Carol Schleif asked about the height permitted in this area. Christine Holmes said the Comprehensive Plan does not designate height, it is just a recommendation—not zoning. As far as the actual uses go, the office uses are probably anticipated to be between 3 and 5 stories; the other uses, probably 1 to 2 stories. The height would be limited by the zoning.

Rick Ripma thought that the opposite side of the street should be commercial. Obviously, Carmel would not 4 or 5 story buildings there, but it would seem that you would want a little height to block the neighborhood. The City does have a vision for these commercial areas, however, some of the Commission members do not agree with having commercial nodes spread out.

Jerry Chomanczuk said he interpreted the “less desirable...” comment as being in relation to the traffic that would be generated. It is unfortunate that those particular words were used. The rationale was “emptying out onto 96th Street, yet, what is being proposed is a medium intensity residential—more dense than what is actually there at this time. Jerry Chomanczuk said he would like to see the Department go item-by-item to respond in writing to the remonstrators so that even the Committee can read the responses and fully understand the Department is viewing all of this. If this plan is adopted, it is almost de facto zoning the entire area. There is a lot of work that still must be done here, but first, we should respond in writing to the questions that have been raised.

Carol Schleif said the mixed use area is so full of trees and there are so few of these areas left. We are getting hit real hard with the Urban Design side of this and we are missing the architectural side. We are also missing the landscape architecture side—green space is what gives people stress relief. The transition designation may be premature until we know where the transit areas will be; it does make sense to do things around the transit hubs. At this time, the Comp Plan provides for neighborhood commercial at intersections—this proposal has long strips of it and is more than one story.

Kevin Heber agreed with responding in writing to points made by the residents; there seems to be a lot of misunderstanding here. Obviously, there is development coming in now that needs to be addressed, and there is not a great deal of time to mull this over. Kevin did not see the threat in the mixed-use designation. Carmel has made a name for itself in making places where people want to live, especially with mixed-use—that is where Carmel excels. Ultimately, if the infrastructure was there to make it more fluid for people, especially walking and biking, this would be an even more desirable place. Kevin agreed with Carol Schleif that the trees are a big issue—the trees are part of what makes this an interesting place.

Rick Ripma asked that the Department respond in writing, item by item, to points made by the residents. If the points cannot be answered, this will not be heard on May 4th.

Docket No. 06020017 CPA: 96th & Westfield Neighborhood Plan was continued to May 4, 2006 at 6:00 PM conditioned upon a point-by-point written response from the Department.

There was no further business to come before the Committee and the meeting was adjourned at 11:20 PM.

Rick Ripma, Chairperson

Ramona Hancock, Secretary